



1 that the Respondent had been disciplined by the State of New York and was currently suspended  
2 from practicing medicine.

3 4. On April 3, 2007 the New York State Board for Professional Medical Conduct  
4 was contacted and asked to provide a copy of Respondent's disciplinary order.

5 5. On April 9, 2007 a copy of a Consent Agreement signed by Respondent on  
6 November 30, 2006 and an Order dated December 6, 2006 was received.

7 6. Respondent's New York Order included the following penalties:

8 A. His license was suspended for thirty-six months with the first 12 months to  
9 be served as a period of actual suspension and the remaining 24 months stayed.

10 B. His license was placed on probation for thirty-six months, said period to  
11 commence at the conclusion of the period of the 12 month period of active license  
12 suspension.

13 C. His license was limited to preclude him, either individually or through a  
14 professional corporation, from evaluating, treating or billing patients whose services are  
15 reimbursed through no-fault insurance and through worker's compensation.

16 D. His license was limited to preclude him from performing and/or  
17 interpreting electrodiagnostic nerve and muscle studies until such time as he passes a  
18 course of retraining approved by the Director of the Professional Medical.

19 E. He was fined \$75,000.00.

20 7. The above action was based on the following charges:

21 A. Respondent committed professional misconduct by practicing the  
22 profession of medicine with negligence on more than one occasion. Specifically, it was  
23 alleged that Respondent failed to perform complete electrodiagnostic examinations,  
24 identify abnormal findings and note abnormal findings in the records and reports of these  
25 studies on one or more patients.

B. Respondent committed professional misconduct by practicing the

1 profession of medicine fraudulently. Specifically, it was alleged that Respondent  
2 prepared and submitted the reports of studies to insurance companies with claims for  
3 reimbursement, knowing that at least one or two of the nerve conduction studies were  
4 fabricated.

5 C. Respondent committed professional misconduct by failing to maintain a  
6 medical record that accurately reflected the care and treatment of a patient on more than  
7 one occasion.

8 8. On March 1, 2006 the Arizona Osteopathic Board received an application for  
9 licensure from the Respondent. The Respondent answered "No" to question three which asks,  
10 "Have you had any disciplinary or adverse action...OR have you been notified of any complaints  
11 or investigations against your license that have not yet been resolved." On April 20, 2006 the  
12 Respondent sent a check to the Arizona Osteopathic Board to activate his license beginning on  
13 June 1, 2006.

14 9. The Respondent, in his response to the Board, states that in the beginning of 2006  
15 while there was still no record of wrong doing on his New York license, he applied for licensure  
16 in Arizona. The Respondent states the following, "I applied for a license, knowing full well that  
17 if I disclosed my past, it might impede my acceptance." In addition, the Respondent, states  
18 "there is no excuse for me not telling the truth on my original application. My motivation was to  
19 work and demonstrate what type of doctor I am."

20 10. Respondent's New York medical license was under investigation at the time he  
21 applied for licensure in Arizona. The Respondent did not disclose this on his application for  
22 licensure in Arizona. Respondent admitted his failure to disclose the investigation of his New  
23 York medical license on his application to practice osteopathic medicine in Arizona.

24 11. The Board's May 23, 2007 Summary Suspension Order remains in force and  
25 effect until the effective date of this Order.

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CONCLUSIONS OF LAW

1. The conduct described in Interim Findings of Fact 3 through 10 herein constitutes unprofessional conduct as defined by the following A.R.S. § 32-1854 subsections:

(9) Procuring, renewing, or attempting to procure or renew a license to practice osteopathic medicine by fraud or misrepresentation.

(15) Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of medicine or when applying for or renewing privileges at a health care institution or health care program.

(18) The denial of or disciplinary action against a license by any other state, territory, district or country, unless it can be shown that this occurred for reasons that did not relate to the person's ability to safely and skillfully practice osteopathic medicine or to any act of unprofessional conduct as provided in this section.

(19) Any conduct or practice contrary to recognized standards of ethics of the osteopathic medical profession.

(35) Violating a federal law, a state law or a rule applicable to the practice of medicine.

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ORDER

Pursuant to the authority vested in the Board, and based upon the Findings of Fact and Conclusions of Law, **IT IS HEREBY ORDERED THAT:**

1. In view of the foregoing, Respondent's License No. 4441 for the practice of osteopathic medicine in the State of Arizona is **REVOKED** on the effective date of this Order and Respondent shall return his wallet card and certificate of licensure to the Board.

2. Respondent shall pay a civil penalty in the amount of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00) for violations of A.R.S. § 32-1854(9), (15), and (18) within THIRTY DAYS of the effective date of this Order.

RIGHT TO PETITION FOR REHEARING OR REVIEW

Respondent is hereby notified that he has the right to petition for a rehearing or review. The petition for rehearing or review must be filed with the Board's Executive Director within

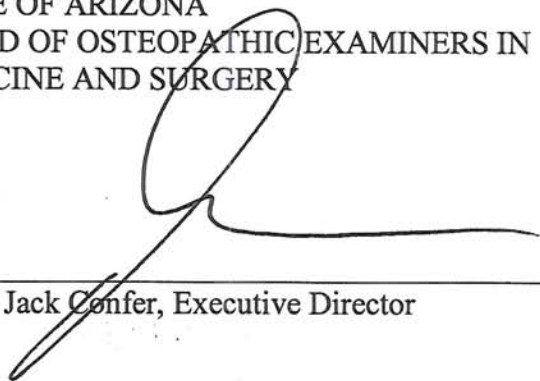
thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The petition for rehearing or review must set forth legally sufficient reasons for granting a rehearing or review. A.A.C. R4-22-106. Service of this order is effective five (5) days after date of mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

Respondent is further notified that the filing of a motion for rehearing or review is required to preserve any rights of appeal to the Superior Court.



ISSUED THIS 12<sup>th</sup> DAY OF JUNE, 2007.

STATE OF ARIZONA  
BOARD OF OSTEOPATHIC EXAMINERS IN  
MEDICINE AND SURGERY

By:   
Jack Confer, Executive Director

Original "Findings of Fact, Conclusions of Law and Order for Revocation of License" filed this 12<sup>th</sup> day of June, 2007 with the:

Arizona Board of Osteopathic Examiners  
In Medicine and Surgery  
9535 East Doubletree Ranch Road  
Scottsdale AZ 85258-5539

Copy of the foregoing "Findings of Fact, Conclusions of Law and Order for Revocation of License" sent via certified, return receipt requested this 12<sup>th</sup> day of June, 2007 to:

Daniel P. Jantsch, Esq.  
Olson, Jantsch & Bakker  
7243 North 16<sup>th</sup> Street  
Phoenix, AZ 85020

1 Sholom Gootzeit D.O.  
2 1747 E Northern Ave. #164  
3 Phoenix, Arizona 85020

4 Copies of the foregoing "Findings of Fact,  
5 Conclusions of Law and Order for  
6 Revocation of License" sent via regular  
7 mail this 12<sup>th</sup> day of June, 2007 to:

8 Blair Driggs, AAG  
9 Office of the Attorney General CIV/LES  
10 1275 West Washington  
11 Phoenix AZ 85007

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